

CHARTER ISSUES ARISING FROM CHANGES IN MONTGOMERY COUNTY

During 2001, the Charter Commission conducted a series of informal discussions with county citizens about the changes in demography, economic structure, and technology that have occurred since the adoption of the current Charter in 1968. The purpose of these discussions was to assist the Commission in determining whether any of these changes warranted amendments to the Charter to keep the government in step with the times and to improve its performance, representatives, or accountability.

While there are a number of measures that could be taken to improve the accessibility of information, the design and conduct of public participation in shaping public policy—notably in the use of new technologies and different procedures to supplement or change the public hearing process—or in the design of service delivery systems, it is the judgment of the Commission that these measures could be taken through legislation or administrative actions and are not appropriate for Charter amendments, which should be restricted to organic, as opposed to policy, matters.

The one issue that implicates the Charter is whether the current system of County Council representation adequately addresses the increased demographic and economic diversity of the county and the prospect that its diversity will continue to increase. We have not reached a judgment on whether this condition warrants changes in the Charter but regard it to be of central importance to the legitimacy of policy decisions, the assimilation of new groups and interests into the political mainstream of county affairs, and the maintenance of the high levels of citizen participation in the civic life of Montgomery County.

To allow us to examine this issue more extensively and determine if Charter amendments are called for, we propose to hold a series of public forums during the winter months of 2002, at which citizens will be invited to discuss the advantages and problems of, or alternatives to our current system of electing four council members at-large, and five by single-member districts. We plan to conduct each forum more as a workshop than as a public hearing. Thus some people will be specifically invited to contribute to the discussion, but time will also be provided for comments and discussion by the general public. We will also establish a website where anyone can participate in the discussion of issues and alternatives. We intend to complete this phase of our deliberations by February 2002 to have sufficient time to prepare our report to the Council, which is due in May.

To structure the forums, we offer the following scenarios, with arguments pro and con, as a point of departure for discussion:

- 1. Retain the existing system without change.** Four members of the County Council would continue to be elected at-large; five from single-member districts of equal population.

- **Pro.** The system ensures that each major area of the county has at least one member representing its geographic interests. It also provides for four members with county-wide constituencies, and provides an opportunity for alliances among at-large members that take into account the diversity of constituencies in the county. The combination of district and at-large election gives every citizen, in effect, up to five points of access to the Council. Even if the district representative is unresponsive to the interests of a group from that district, there are four at-large members who may be approached and/or influenced. Finally, the relatively small size of the Council facilitates consensus and decision making on major county problems.
- **Con.** The “first past the post” election system in the single-member districts leaves the minority in each district—whether partisan, ethnic, or geographic—with no special voice in county government. Because of the traditional practice of candidates running as slates, the notion that a district minority has access through at-large members tends to be illusory. Moreover, gerrymandering of districts to secure partisan advantages and to protect incumbents reduces the number of competitive contests, thus creating barriers to entry for new groups and candidates. Because the districts are so large, the at-large seats have not produced a wide dispersion in the geographic bases of successful candidates, leaving some sections of the county feeling underrepresented or left out of the policy process.

2. **Increase the number of single-member Council districts.** The at-large positions could continue, but the number of district seats would be increased, reducing their size and increasing their respective economic and ethnic homogeneity.
3. **Pro.** A larger number of districts would ensure greater diversity in the ethnic, economic, and political makeup of the Council because of the distribution of population groups and partisan voters. Doubling the number of districts, for example would still produce a Council of only eighteen members, fewer than the number of delegates to the General Assembly elected in Montgomery County and a number that is still small for a legislative body that may soon represent nearly a million people. Smaller districts should also reduce the cost of election campaigns and make it easier for candidates to be familiar with their districts. Smaller districts can encourage people who could not afford to enter politics or who see few opportunities for leadership in larger districts to come forward as community leaders and candidates.
4. **Con.** More districts might provide greater geographic and partisan diversity but unless the numbers were substantially increased, more districts would not necessarily produce much greater ethnic diversity on the Council because the county does not contain very large geographic concentrations of ethnic voters. Single-member districts—especially small homogeneous ones—tend to produce

elected officials with very limited agendas and parochial viewpoints. They also often operate to reduce voter participation because of the ability of incumbents to discourage opposition and the lack of diversity within the district. Officials representing small districts also have fewer incentives to reach compromises with their colleagues on the Council because their reelection does not depend upon appealing to a broad cross-section of the electorate. A large number of single-member districts could, therefore, operate to retard the assimilation of minorities into the political and economic mainstream of the county.

5. **Increase the number of Council members elected from each district.** This approach would retain the five districts but elect three or more council members from each district, just as Delegates to the General Assembly are now elected in legislative districts.
6. **Pro.** Increasing the number of members elected from each district could encourage candidates to organize slates that can appeal to different geographic areas and ethnic groups in the district to make their slate more appealing to a wide variety of voters. The diversity of the districts encourages successful candidates to develop skills in reconciling different viewpoints among voters and in coalition building.
7. **Con.** Multiple-member districts have not increased the diversity of the General Assembly delegation. Slates tend to retain incumbents or add new candidates from similar backgrounds and neighborhoods, making it very difficult for minority candidates to enter the system successfully. These tendencies are reinforced by straight ticket voting by voters in large multi-member districts confronted with familiar names on the incumbent slate versus names they barely recognize on others.
8. **Change the way in which Council members are elected.** Several systems could be used to ensure that every salient group of reasonable size would be represented, whether based on partisanship, ethnicity, geographic or economic community-of-interest. Methods include cumulative voting (each voter has a number of votes equal to the number of offices, but can distribute them among the candidates in any way he/she chooses) or other forms of proportional representation, such as party lists or preferential ballots.
9. **Pro.** These methods have in common the ability to ensure that any substantial and cohesive voting block will be represented in the legislative body. While this may seem strange to Marylanders, they are in common use in other democratic countries, and even in some U.S. communities. In some forms, such as at-large party lists, they can render obsolete and unnecessary periodic redistricting and, therefore, eliminate partisan gerrymandering. In other forms, such as cumulative voting in multi-member districts, members of a cohesive and disciplined minority interest can cast all their votes for a single candidate and assure his/her election. To avoid such strategic voting, candidates have strong incentives to organize

inclusive slates with wide appeal to all segments of the voting public in the district. These methods will require a little voter education in the mechanics of elections, but they have proved workable in many places with far less political sophistication than Montgomery County. The results—a more representative and, therefore, a Council whose actions will be viewed as more acceptable by a wider public.

- 10. Con.** Various proportional representation schemes have been repeatedly rejected in the U.S. They tend to produce government by unstable coalitions of minority groups. The “first-past-the-post” system of election used in Montgomery County and almost all other state and local governments forces candidates to appeal to a wide rather than a narrow constituency and it tends to produce clear party majorities that are capable of governing without having to appease the most intractable member of a coalition. Election systems tend to influence voter behavior and the effectiveness of government. P.R. systems induce, even reward intransigence and emphasis on grievances and separateness. While the existing electoral system may occasionally fall short of a perfect reflection of voter preferences, it more than compensates for this alleged defect by encouraging accommodation, compromise, and the need to build a stable majority coalition that pursues a practical as opposed to an ideological agenda.